

**CITY OF MORGAN HILL
JOINT SPECIAL AND REGULAR CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - OCTOBER 3, 2001**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting to order at 6:30 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Chang, Sellers, Tate, and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

CLOSED SESSION:

Acting City Attorney/Agency Counsel Dan Siegel announced the following closed session items:

1.

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority:	Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel
Case Name:	San Jose Christian College v. City of Morgan Hill
Case Number:	Santa Clara County Superior, No. CV 799179
Closed Session Topic:	Potential Existing Litigation/Real Estate Negotiations

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation/Initiation of Litigation	
Authority:	Government Code Section 54956.9(b) & (c)
Four (4) Cases	

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority:	Government Code 54956.9(a)
Title:	Interstate Trust Deed Services, Inc. v. City of Morgan Hill
Case No.:	Orange County Superior Court, 01CC05281

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority:	Government Code Section 54956.9(a)
Case Name:	Driver Placement Services, Inc. v. City of Morgan Hill
Case No.:	Santa Clara County Superior Court, CV 788941
Attendees:	City Council, City Manager Tewes, City Attorney Leichter; Special Counsel

Dan K. Siegel

5.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Real Property Involved:	3.85 acre parcel located on the northwest corner of the intersection of Condit Road and Tennant (APN 817-13-008)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	T&C Development, LTD Partnership
Closed Session Topic:	Acquisition of Real Property

OPPORTUNITY FOR PUBLIC COMMENT

Mayor/Chairman Kennedy opened the closed session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 6:33 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:05 p.m.

CLOSED SESSION ANNOUNCEMENT:

Acting City Attorney/Agency Counsel Siegel announced that two items were discussed in closed session: Items 2 & 4, indicating that no reportable action was taken on these two items. The remaining closed session items were deferred to the conclusion of the remainder of the agenda.

Acting City Attorney/Agency Counsel Siegel excused himself from the remainder of the meeting and City Attorney/Agency Counsel Leichter assumed her seat on the dais.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman Kennedy, City Clerk Torrez led the Pledge of Allegiance.

INTRODUCTIONS

Director of Human Resources Fisher introduced newly hired Charnell Mumford, Human Resources Assistant.

PROCLAMATIONS

Mayor Kennedy presented a Proclamation to Lisa Ramos, Program Specialist for the Solutions to Violence Program through Community Solutions, proclaiming the Month of October as *Domestic Awareness Month*. Ms. Ramos invited the public to participate in a south county effort to raise awareness on Domestic Violence scheduled for October 9, 2001, 5:30 p.m. on Second Street.

Mayor Kennedy presented a proclamation proclaiming the week of October 21-27, 2001 as *Yellow Ribbon Suicide Awareness and Prevention Week*

CITY COUNCIL REPORT

Mayor Pro Tempore Sellers reported on the following: 1) Health Care Task Force - The City Council received a presentation from the Morgan Hill Community Health Foundation last week regarding their progress. He encouraged everyone to pull together the next few months to find resolution in bringing healthcare to the community. 2) City School Liaison Committee - It is critical that the City and the School District coordinate its efforts to do more in order to provide better educational opportunities for students. He indicated that the City Council received a letter from the individuals who started the Charter School in Morgan Hill. He thanked staff for doing a tremendous job in assisting the Charter School. Earlier this evening, several hundred students and supporters were in attendance and enthusiastic about the aquatic center to be built in the next two years. He indicated that there is also an opportunity to add new soccer fields at the new high school in the next three to four years. It is his hope that the City and the community can put the soccer fields in place sooner than this time period, working through the City-School Liaison Committee. 3) Legislative Advisory Committee - The biggest issue being faced is redistricting. He noted that Morgan Hill is being slated to be in a congressional district that takes in Tracy, Lodi, and parts of Stockton, to which the City has nothing in common. The City is also slated to be part of a senate district that goes down to Santa Maria and Santa Barbara County. He wanted to make sure that the City continues to press on issues to publicize our situation and work with state leaders to make sure that our needs are met as we move forward. 4) Taste of Morgan Hill - He heard comments from citizens that there is a strong need for additional recreational services in the community. He recommended that the City move forward and expedite recreational opportunities.

CITY MANAGER'S REPORT

City Manager Tewes addressed the Taste of Morgan Hill, sponsored by the Chamber of Commerce, noting that the City participated in this event with a series of booths. He stated that several hundred citizens completed City questionnaires. He indicated that staff will be analyzing these, returning in a few weeks to the City Council to recognize the employees who worked hard and report back on the feedback heard at the Taste of Morgan Hill. He invited the community to the Community and Cultural Center groundbreaking celebration scheduled for Saturday, October 20, 2001 from 11:00 a.m. to 3:00 p.m.

CITY ATTORNEY'S REPORT

City Attorney Leichter reported that she was informed this morning that as of yesterday, San Jose Christian College has dismissed their state court lawsuit against the City of Morgan Hill. However, the Federal law suit is still pending, but that staff is hopeful that this is a positive sign.

PUBLIC COMMENTS

Mayor Kennedy opened the floor to public comments for items not appearing on this evening's agenda. He indicated that earlier this evening a celebration was held to announce moving forward with the Morgan Hill Aquatic Center. No further comments were offered.

City Council Action

CONSENT CALENDAR:

Council Member Tate requested that item 1 and Council Member Carr requested that item 6 be removed from the Consent Calendar.

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **approved** Consent Calendar Items 2-5 as follows:*

2. **SANITARY SEWER COLLECTION SYSTEM INFILTRATION & INFLOW INVESTIGATION**

Action: Authorized *City Manager to Execute Consultant Services Contract with Villalobos and Associates in the Amount of \$42,133 for Further Identification of Infiltration and Inflow Within the City's Sanitary Sewer System.*

3. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 714 M 43 & 44, TROVARE PHASE I - Resolution No. 5531**

Actions: 1) **Adopted** *Resolution No. 5531, Accepting the Subdivision Improvements included in Parcel Map 714-M 43 & 44, Commonly Known as Trovare Phase I; and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.*

4. **REIMBURSEMENT TO KEATARA INVESTMENTS, LLC FOR UNDERGROUNDING OF OVERHEAD UTILITIES**

Action: Authorized *Reimbursement of \$32,504 for Undergrounding of Overhead Utilities to Keatara Investment, LLC from CIP Project No. 529001.*

5. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P.-SUTTERPLACE APN 726-25-012, 021, 023 & 027**

Actions: 1) **Approved** *the Subdivision Improvement Agreement, and 2) **Authorized** the City Manager to Sign the Agreement on Behalf of the City of Morgan Hill Development Partners, L.P., Digital Drive (APN 726-25-012 & 029).*

1. **APPROVAL OF SUPPLEMENTAL IMPROVEMENT AGREEMENT WITH SHEA HOMES/GLENROCK BUILDERS - TRACT 9234 (BURNETT WATERLINE)**

Council Member Tate asked how much funding reimbursement can be expected and how much the City would be paying for the water line installation?

Director of Public Works Ashcraft informed the City Council that this is a \$700,000 water line project. The report indicates that, in the short term, there are two projects that will be paying fees when they connect to the waterline. When this occurs, the City will be receiving partial recovery of the costs. He said that once the Kawahara project and the Sobrato High School is constructed, the City can anticipate reimbursement. However, he noted that half of the water line is in the county with no one connecting to it. Therefore, the City will never be paid back for some of the potential front line fees for the water line. He said that the water line will provide an increase in flexibility and pressure for the area with some of the water fund being used to pay for the installation without reimbursement from development.

Action: *On a motion by Council Member Chang and seconded by Council Member Tate, the City Council unanimously (5-0): 1) **Appropriated** \$190,745 From the Current Year Unappropriated Non AB 1600 Public Facilities Fund (Fund 346) Balance for the Burnett Avenue Waterline Project, and 2) **Authorized** the City Manager to Sign Supplemental Improvement Agreement for Construction of the Burnett Avenue Water Line by Shea Homes and Glenrock Builders - Capriano Subdivision*

6. COYOTE VALLEY GREENBELT “INTERIM PLANNING PRINCIPLES”

Council Member Carr requested a staff report be presented on this item as it is an important one for future development, especially to Morgan Hill’s northern boundary.

Director of Community Development Bischoff informed the City Council that approximately a year ago, representatives of the organizations got together to determine common interests and to determine if there is a shared vision of what the greenbelt should be. From a series of meetings, an Interim Planning Principles for Coyote Valley was drafted. It is a general document and not intended to be a specific implementation plan for Coyote Valley but gives overall parameters and expectations that are shared of what the Coyote Valley Greenbelt will become (e.g., preservation of the hillside and riparian corridor, expand park chain, etc.). Staff from the agencies are requesting that the Morgan Hill City Council, Board of Supervisors, and San Jose City Council review these principles and endorse it as a step in the right direction.

Council Member Carr stated that adopting the principles would set forth the framework for the City's Greenbelt study. He asked if these principles were consistent with the City’s General Plan? He also asked how these principles would change things that may be taking place in future development at the north end of the City?

Mr. Bischoff said that he did not believe that these draft principles would be inconsistent with the City’s General Plan and felt that this was a good guide to use as the city undertakes its greenbelt study.

Council Member Carr stated that he was pleased to read that the City of San Jose would be undertaking a master planning process for Coyote Valley. He felt that this was going to be a

framework for part of that master plan. He asked if adjacent jurisdictions would be included in San Jose's master planning process? If so, he would applaud San Jose for agreeing to include adjacent jurisdictions. It was his hope that the Morgan Hill Unified School District would be included in future discussions as all of Coyote Valley is represented by the Morgan Hill Unified School District. He did not believe that the City of San Jose recognizes this fact.

Mayor Kennedy inquired as to the next step in the process and whether there were plans to involve the appointed advisory bodies and elected officials in the process? He felt that it would be appropriate for the Bicycle Advisory Committee to be included in discussions and the process relating to pedestrian trails.

Mr. Bischoff stated that when this effort was undertaken, the City of San Jose did not indicate a time frame in which they would be looking at the greenbelt. It was his expectation that with the endorsement of the two City Councils (San Jose, Morgan Hill) and the Board of Supervisors that staff from these three jurisdictions would meet to discuss the next steps and how it would involve the appropriate/elected officials. He said that at the eleventh hour, the City of San Jose came forward to state that they were planning to study this within the next year and that it was their expectation that they would take the lead on this project. County staff has not given an indication that they would undertake a parallel/independent study and would like to participate in the City of San Jose's study. The County and the City of Morgan Hill would like to be involved but that it is up to the City of San Jose as to whom they consider stakeholders and who they want to bring to the table. He said that it may be appropriate, once the City of San Jose endorses this and comes up with a time frame for the study, to write a letter requesting City of Morgan Hill participation.

Mayor Kennedy requested that staff agendaize the request to include the City of Morgan Hill in the study at a future meeting.

Mayor Kennedy opened this item to public comment. No comments were offered.

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) Accepted Interim Principles by Minutes Action.*

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Council Member Tate requested that Item 8 be pulled and City Clerk Torrez requested that Items 7, 8, and 9 be pulled from the Consent Calendar in order to identify minor revisions.

7. JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 5, 2001

Council/Agency Member Tate stated that at the September 5, 2001 meeting, the Council/Agency conducted a lengthy discussion regarding the community theater and gave direction on moving ahead with the project with some price reductions. He noted that Council Member Carr made a lot of comments that were extremely important and appropriate in that allocating additional funds to this

project would result in taking away funding for other projects. Council Member Carr recommended that the City Council/Agency Commission hold a reprioritization session for other capital improvement projects. He noted that the issue of prioritization of projects and related fundings was raised again last week. He stated that it does not appear that the Council/Agency would be holding a prioritization session and requested to know what direction the City Council/Agency was heading with the prioritization session.

City Manager/Executive Tewes indicated that the City Council/Agency Commission has not set a date to discuss project prioritization and that typically, these discussions take place in the Council/Agency's spring policy retreat. Should the City Council wish to hold this session earlier, staff can schedule this discussion at an earlier meeting.

Council/Agency Member Carr indicated that he would be raising discussion of scheduling the visioning project priority/funding as part of the upcoming meeting schedule to be discussed under agenda item 10.

City Clerk Torrez requested that Page 23, first paragraph, under Agenda Item 24, be amended per the supplemental handout presented this evening.

Action: *On a motion by Council Member Tate and seconded by Council Member Chang, the City Council unanimously (5-0) **approved** the minutes, as amended by staff.*

8. SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 19, 2001

City Clerk Torrez requested that page 2, under "Closed Session Annoucement" be amended to state that "City Attorney Leichter announced that the City Council authorized the filing of a cross complaint."

Action: *On a motion by Council Member Tate and seconded by Council Member Chang, the City Council unanimously (5-0) **approved** the minutes, as amended by staff.*

9. JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 19, 2001

City Clerk Torrez requested that Page 17, closed Session Announcement, be amended per the revised addendum presented to the City Council.

Action: *On a motion by Council Member Tate and seconded by Council Member Chang, the City Council unanimously (5-0) **approved** the minutes per the revised addendum.*

OTHER BUSINESS:

10. CITY COUNCIL AND REDEVELOPMENT AGENCY NOVEMBER, DECEMBER AND JANUARY MEETING SCHEDULE

City Clerk Torrez presented the staff report and requested that the City Council provide direction regarding the October, November, December and January meeting schedule.

October

Council Services & Record Manager Torrez requested that the Council approve the October 2001 addendum as presented.

November

Council/Agency Member Tate requested that should the November 21 meeting be necessary, that the meeting begin at 5:00 p.m.

City Manager/Executive Director Tewes informed the City Council/Agency Commission that there are a number of issues that will not be ready for decision until November 21.

Council Member Sellers recommended that the City Council/Agency Commission wait and make a final determination on the November 21 meeting based on closed session discussions. He further recommended that the meeting date of November 21 be avoided, if at all possible, unless there is an item that the Council/Agency feels compelled to make a decision on. The Council/Agency Commission can make the determination if a special meeting should be held on November 14 or whether the issue can wait until November 28.

December

Mayor Kennedy asked if some of the critical City business that would normally occur on December 19 could take place on December 12?

City Manager Tewes stated that without a second meeting in December to handle city business, the City would be waiting a month before the next Council meeting, noting that there may be issues that may arise during this time period. He said that it would be possible to have a small business agenda on December 12 and that a special meeting could be called, if necessary.

January 2002

Mayor Kennedy recommended that if there are critical items that cannot be dealt with on December 12 that they be delayed to January 2.

City Manager Tewes indicated that the preparation of the January 2, 2002 agenda would be conducted during the furlough period.

Council Member Chang recommended that the January 2, 2002 meeting be canceled and that a special meeting be held on January 9, 2002.

Council/Agency Carr felt that it was important to schedule discussion of prioritization of the visioning projects at this time to ensure that discussion does not get pushed back further. He felt that the Council needs to understand what it may potential mean to another project when the budget increases for a project.

Mayor Kennedy recommended that the discussion relating to project prioritization be held on January 30, 2002 as the month of January affords an extra Wednesday meeting date.

Council Member Sellers noted that the Council does review its visioning projects periodically and that the Council holds an annual retreat, including budget sessions and capital improvement reviews as part of the workplan review. He felt that there have been opportunities for the City Council to keep on top of the projects. It appears that the Council/Redevelopment Agency is thinking about re prioritizing projects. He stated that based on what he has seen this evening, there are things that he would like to reconsider and keep promises made to the public.

Council Member Tate noted that it has been indicated that review of projects occurs in the spring and that it drives the budget process. If discussions take place in January, it would set the tone for the entire year.

City Manager Tewes informed the City Council that it has been a recent practice to conduct the City Council's annual weekend policy retreat in early February, noting that this date has not been identified.

Mayor Kennedy recommended that the policy retreat and visioning prioritization be conducted at the same time.

Council Member Chang recommended that both sessions be combined together in a two-day session in February.

Council Member Tate stated that he would like to discuss prioritization of the visioning projects first in order to have a good sense of the priorities going into the rest of the retreat.

Council Member Carr stated that he would like to discuss priorities aside from the goal setting session. He expressed concern that monies are being reallocated without an understanding of the impacts to other projects. He said that there is not an unlimited amount of dollars and that the City/Agency needs to have a better understanding of where the dollars are coming from as the Council/Agency reallocates monies. He wanted to hold a session on prioritizing the visioning projects and the CIP projects, noting that the visioning projects come from a set amount of funds and that there are other revenues that are generated by these dollars. It is his hope that the projects are completed before the funds end.

City Manager Tewes informed the City Council that the February meeting is a goal setting/Council workshop which is global and covers many issues.

Mayor Kennedy concurred with having a separate meeting to discuss prioritization of the visioning project and the possible impact to other Capital Improvement Projects. He recommended that a Visioning Priority Session be scheduled for January 30 at 5:00 p.m.

Actions: By Consensus, the City Council **approved** the following meeting scheduled:

October 2001

October 17 @ 7:00 p.m. - Regular City Council Meeting
October 24 @ 5:30-7:00 p.m. Special City Council Meeting
October 24 @ 7:00 p.m. Regular Redevelopment Agency Meeting
October 29 @ 6:00 or 7:00 p.m. Special City Council/Planning Commission meeting

November 2001

November 7 @ 7:00 p.m. - Regular City Council Meeting
November 28 @ 7:00 p.m. - Regular Redevelopment Agency meeting

December 2001

December 5 @ 7:00 p.m. - Regular City Council Meeting
December 12 @ 6:00 or 7:00 p.m. - Special City Council/Planning Commission meeting

January 2002

January 9 @ 7:00 p.m. - Special City Council Meeting
January 16 @ 7:00 p.m. - Regular City Council Meeting
January 23 @ 7:00 p.m. - Regular Redevelopment Agency Meeting
January 30 @ 5:00 p.m. - Special City Council Meeting

The November 17, 2001; December 19, 2001; December 26, 2001; and January 2, 2002 City Council/Redevelopment Agency meetings canceled. The City Council may schedule special meetings in order to discuss important City/Redevelopment Agency business.

11. CITY OPPOSITION TO REDISTRICTING PLANS

Assistant to the City Manager Eulo presented the staff report.

Congressional District

Mayor Pro Tempore Sellers noted that south of the Santa Clara line is rural and has no population except for the City of Morgan Hill.

Mr. Eulo stated that Santa Clara County will be less than 10% of this district and that Morgan Hill comprises $\frac{3}{4}$ of this population.

15th new Senate District

Mr. Eulo indicated that this district will be influenced by coastal issues and not Silicon Valley issues. He noted that the City of Gilroy is not included in this District, however, San Martin is.

Mayor Kennedy indicated that he received a phone call from a citizen who lives on the east side of Gilroy and in a district that is divided.

27th Assembly District

Mr. Eulo indicated that this District is also heavily influenced by the coastal communities. Of the

three districts, this would be the least problematic. He noted that the City is not included in the district of Gilroy and that in all three districts, the South County area is divided.

Mayor Pro Tempore Sellers indicated that Coyote Valley is contained in this District and that the moment that it starts to become populated, it will weigh heavily and create different dynamics. This fact makes him feel better about representation because as Coyote Valley gets developed, Morgan Hill will have the same representation. He concurred that all three districts separate Morgan Hill and Gilroy, noting that this is the first time this has happened at any level, much less all three districts.

Council Member Tate did not believe that Morgan Hill has a lot of commonality with the districts it is assigned to.

Mayor Pro Tempore Sellers stated that Morgan Hill is a small community and that by itself, cannot affect much change. He said that the City of Santa Clara was raising objectives to this plan, as are individuals in the "Valley" and in Los Angeles. He requested an overview from the City Attorney on what other jurisdictions are doing.

Mayor Kennedy stated that there are ethnic groups in various cities who are having problems with the redistricting plans.

City Attorney Leichter stated that there are three primary avenues to challenge redistricting: 1) Administrative Appeals Process with the Department of Justice. She indicated that the City of Santa Clara will be looking at pursuing this avenue versus any court action at this point. 2) Petition Legislature to change the redistricting, noting that this would be an unlikely and a problematic avenue. 3) A series of court challenges to challenge the redistricting or reapportionment either in federal court under the Voting Rights Act in which you have to show the electoral process is not equally open to participation by a class of protected individuals or minorities. Under State Court, one can challenge the California Constitution under the principal of one person - one vote which can become a problematic lawsuit as it is hard to prove that you do not have this representation statistically. She indicated that the County of San Joaquin has filed under the California Constitutional Provision which requires that the legislature, in looking at either the assembly, senate or congressional districts, must give credence to the geographical boundaries in the community of interest. She said that this constitutional provision has been upheld by the California Supreme Court in 1973 and 1992 cases. She informed the City Council that she has received a copy of the complaint that was filed in the County of San Joaquin and that it challenges the congressional district on the basis that there is not community interest between the City of Morgan Hill and the County of San Joaquin. The County of San Joaquin has petitioned the Superior Court for the County of Sacramento to declare the congressional district invalid and send it back to the legislature. Morgan Hill could join in the petition. 4) An Equal Protection ground is another avenue that can be pursued if one can demonstrate that a minority group has been disadvantaged through the electoral process. She indicated the City of Morgan Hill may show a snake district based on the minority statistics but that this would take a lot of in depth analysis of demographics. She advised the City Council to discuss specific actions it would like to pursue in closed session.

Mayor Kennedy felt that the redistricting is ridiculous as it does not place Morgan Hill in districts in which it has common interests and that it would disenfranchise Morgan Hill from having any

reasonable representation in any of the districts. He would support taking legal action that is felt to be the most successful alternative. He stated that he has received many phone calls from members of the community who are frustrated with the redistricting. He felt that it was incumbent of the City Council, as leaders of the community, to take action.

Council Member Tate concurred that the City of Morgan Hill cannot sit and do nothing. He felt that it was the job of the City Council to represent the community and to find a way to fight the redistricting.

Mayor Pro Tempore Sellers concurred with the comments expressed by Mayor Kennedy and Council Member Tate. He said that he attended the assembly hearings held in the City of Seaside and the City of San Jose. He stated that the City has taken advantage of opportunities to provide input, noting that the input was completely ignored as the plans were drawn early on. He felt that redistricting was an incumbrance protection act and that the City of Morgan Hill was a casualty to this to the point that the City does not have any ties to Silicon Valley nor representation from individuals near the City. It was his hope that the Council would take action in closed session.

Council Member Carr concurred that the redistricting lines do not show representation to the citizens of Morgan Hill. He felt that the lines were drawn by the worse politics. He recommended that the City Council stand up for the rights of the citizens of the community. He felt that the City needs to take a look at all areas and reach out to neighboring communities. The worst thing about the redistricting lines is the fact that south county has been split, including the congressional seat, noting that Gilroy, San Martin and Morgan Hill are in three different congressional seats with no voice for South County in these seats. It was his belief that the needs of Central Valley would win over Morgan Hill's needs even though there may be public, health and safety issues.

Mayor Kennedy did not believe that the congressional representative would have an incentive to visit Morgan Hill nor help the City with its problems. He was encouraged by the fact that there are other communities that the City can join in with who are facing the same problems and not battle the issue alone.

Action: *By consensus, the City Council **deferred** discussion of legal action(s) to closed session to help address the State's Redistricting Plans.*

City Council Action

SECOND READING OF ORDINANCE:

12. ADOPT ORDINANCE NO. 1532, NEW SERIES

Action: *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council **adopted** Ordinance No. 1532, New Series as follows: An Ordinance of The City Council of The City of Morgan Hill Rezoning 20.55 acres located on the east side of Monterey Road, between Tennant Avenue and Watsonville Road. (APNs 817-06-004, 005 and 006) by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

13. ADOPT ORDINANCE NO. 1533, NEW SERIES

Action: *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council **adopted** Ordinance No. 1532, New Series as follows: An Ordinance of The City Council of The City of Morgan Hill Rezoning 3.23 Acres Located on the North Side of Campoli Drive, between Madrone Road (Old Monterey Road) and Hale Avenue from County A-SR to City R-1(7,000). (APNs 764-24-006, 007, 008, and 009) by the following roll call vote: AYES: Carr, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: Chang; ABSENT: None.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were noted.

ADJOURN TO CLOSED SESSION

City Attorney/Agency Counsel Leichter announced the continuation of Closed Sessions 1, 2, and 5. She noted that closed session item 3 has been continued to the next regular City Council meeting. She announced the Closed Session Item 2 was a result of the initiation of threat of litigation based on statements made by James Allevato contained in a letter dated July 26, 2001.

Mayor/Chairman Kennedy adjourned the meeting at 8:35 p.m. to conclude discussions regarding closed session items 1, 3 and 5 as listed above.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 9:25 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on closed session items 1, 3 or 5.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at p.m. 9:26 p.m.

MINUTES RECORDED AND PREPARED BY:

Irma Torres, City Clerk/Agency Secretary